

REFERENCE TITLE: restocking fees; disclosures

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1364

Introduced by
Senators Hellon, Bee, Blendu, Brotherton: Allen, Cannell, Flake, Verschoor

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 20;
RELATING TO RESTOCKING FEES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is amended
3 by adding article 20, to read:

4 ARTICLE 20. RESTOCKING FEES

5 44-1376. Disclosure of restocking fee; enforcement; definition

6 A BUSINESS IN THIS STATE THAT CHARGES A RESTOCKING FEE ON A PRODUCT
7 THE BUSINESS SELLS SHALL DISCLOSE THE EXISTENCE OF THE FEE AND THE DOLLAR
8 AMOUNT OF THE FEE TO A CUSTOMER IN ACCORDANCE WITH THIS SECTION.

9 B. IF A BUSINESS CHARGES A RESTOCKING FEE, THE BUSINESS SHALL DO ALL
10 OF THE FOLLOWING:

11 1. DISCLOSE IN ANY ADVERTISING AND PROMOTIONAL MATERIAL, INCLUDING A
12 CATALOG, THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASE OF GOODS. THE
13 DISCLOSURE SHALL BE PRINTED CLEARLY AND LEGIBLY IN A CONSPICUOUS MANNER IN A
14 TYPE AT LEAST AS LARGE AS THE MAJORITY OF THE PRINTED TEXT IN THE ADVERTISING
15 AND PROMOTIONAL MATERIAL.

16 2. POST A SIGN DISCLOSING THAT A RESTOCKING FEE MAY APPLY TO THE
17 PURCHASE OF GOODS AND WHERE THE CUSTOMER MAY OBTAIN THE FULL RESTOCKING FEE
18 POLICY. THE SIGN SHALL BE POSTED AT EACH POINT OF PURCHASE AND SHALL BE
19 CLEARLY AND CONSPICUOUSLY VISIBLE TO THE CUSTOMER BEFORE PURCHASE.

20 3. DISCLOSE ON THE SALES RECEIPT IN A CONSPICUOUS MANNER IN TYPE AT
21 LEAST AS LARGE AS THE MAJORITY OF THE PRINTED TEXT ON THE RECEIPT AND IN
22 PRINT THAT IS CLEAR AND LEGIBLE, BOTH OF THE FOLLOWING:

23 (a) THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASED GOOD.

24 (b) WHERE THE CUSTOMER MAY OBTAIN THE FULL RESTOCKING FEE POLICY.

25 4. AT THE POINT OF PURCHASE FOR A GOOD ON THE WEB SITE OF THE
26 BUSINESS, DISCLOSE THAT A RESTOCKING FEE MAY APPLY TO THE PURCHASE OF GOODS.
27 THE BUSINESS MUST PROVIDE THE FULL RESTOCKING FEE POLICY ON THE WEB SITE.
28 THE DISCLOSURE PRESCRIBED BY THIS PARAGRAPH SHALL BE PRINTED CLEARLY AND
29 LEGIBLY IN A CONSPICUOUS MANNER IN TYPE AT LEAST AS LARGE AS THE MAJORITY OF
30 THE PRINTED TEXT ON THE WEB SITE.

31 C. AN ACT OR PRACTICE IN VIOLATION OF THIS SECTION IS AN UNLAWFUL
32 PRACTICE UNDER SECTION 44-1522 AND SUBJECT TO ENFORCEMENT THROUGH PRIVATE
33 ACTION AND PROSECUTION BY THE ATTORNEY GENERAL. THE ATTORNEY GENERAL MAY
34 INVESTIGATE AND TAKE APPROPRIATE ACTION AS PRESCRIBED BY CHAPTER 10, ARTICLE
35 7 OF THIS TITLE.

36 D. FOR THE PURPOSES OF THIS SECTION, "RESTOCKING FEE" MEANS A FEE
37 CHARGED BY A BUSINESS FOR RESTOCKING OF THE GOOD PURCHASED ON ITS RETURN OR
38 EXCHANGE.